

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA 18-CR-6094 (G)  
  
vs.  
  
XAVIER TORRES, Rochester, New York  
November 1, 2021  
Defendant. 8:30 a.m.  
-----X

**VOLUME 9**

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FRANK P. GERACI, JR.  
UNITED STATES DISTRICT JUDGE

JAMES P. KENNEDY, JR., ESQ.  
United States Attorney  
BY: ROBERT A. MARANGOLA, ESQ.  
CASSIE M. KOCHER, ESQ.  
Assistant United States Attorneys  
500 Federal Building  
Rochester, New York 14614  
Appearing on behalf of the United States

MAURICE J. VERRILLO, ESQ.  
3300 Monroe Avenue  
Suite 301  
Rochester, New York 14618  
Appearing on behalf of the Defendant

ALSO PRESENT: Nicolas Penchaszadeh, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR (NY/CA)  
Christimacri50@gmail.com  
Kenneth B. Keating Federal Building  
100 State Street, Room 2640  
Rochester, New York 14614

**EXHIBIT "A"**

1 LaForce because someone was killed in the area of Leo and  
2 Burbank?

3 A. Yes.

4 Q. Did you know about someone getting killed on Leo Street in  
10:00:11AM 5 January of 2016?

6 A. I don't remember the date exactly, but I do know someone  
7 was killed on Leo.

8 Q. Okay. And do you know whether Mino was killed?

9 A. I don't really know who Mino was.

10:00:57AM 10 Q. Okay. Did you know someone named Gargola?

11 A. I knew two people known by Gargola. One person who sold  
12 on Burbank, one person who was killed on Burbank; and then  
13 another Gargola who worked with me at the barber shop who also  
14 sold.

10:01:42AM 15 Q. So I'm asking about the Gargola that was killed near  
16 Burbank.

17 A. I didn't know him personally.

18 Q. Did you speak to Obed Torres about that shooting?

19 A. Yes.

10:02:04AM 20 Q. And did Obed say that Domi shot Gargola?

21 A. Can you repeat the question?

22 Q. Did you Obed tell you that Domi shot Gargola?

23 A. Yes.

24 Q. I believe you testified in your direct that you saw  
10:02:32AM 25 Pistolita almost every day; is that right?

1 this would be a good time to break.

2           **THE COURT:** Ladies and gentlemen, at this time we'll  
3 take a recess until tomorrow morning. Tomorrow morning we'll  
4 begin at 8:30 and proceed until 1:30.

01:33:49PM 5           In the meantime, I'd ask you not discuss the matter  
6 or allow anybody to discuss the matter with you. The jury may  
7 step down, we'll stand in recess. Thank you.

8           (WHEREUPON, proceedings adjourned at 1:35 p.m.)

9                           \*    \*    \*

10                           **CERTIFICATE OF REPORTER**

11  
12           In accordance with 28, U.S.C., 753(b), I certify that  
13 these original notes are a true and correct record of  
14 proceedings in the United States District Court for the  
15 Western District of New York before the Honorable Frank P.  
16 Geraci, Jr. on November 1st, 2021.

17

18 S/ Christi A. Macri

19 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)  
20 Official Court Reporter

21

22

23

24

25

Keyshla Galarza

26 Glor st

Buffalo, NY 14207

716-536-2081

12/30/21

To,

The Honorable Judge Geraci

100 state street 2<sup>nd</sup> floor, Rochester NY 14614

Hello, my name is Keyshla Galarza. I am Xavier Torres' niece. I have known my uncle Xavier my entire life. He has always been around in my life. I can remember as a little girl going to my grandmother's house (Xaviers Mom) and my uncle was always there to help me with my homework at the time. My uncle Xavier is a very intelligent person. He has always been the type of person to help someone before he helps himself. He is a kind person who would do anything for the people he loves. He has always taken care of his family in the best way that he could. It is my hope that you take my letter as he has plans for his life and deserves a second chance.

Thank you

Keyshla Galarza

(Niece)

**EXHIBIT "B"**

Esmeralda Torres

December 29, 2021

443 Busti Ave

Buffalo N.Y 14201



Dear the court room. I am the daughter of Xavier Torres. Esmeralda Torres 19 years old. I just had a baby girl December 20<sup>th</sup>, 2020, I had to surprise my father with the news that I was going to have his first grandchild and he that was going to be a grandpa threw the phone. It very much sucked and he didn't find out until I was due about to give birth because I had no idea how to tell him I was about to have his first grandbaby while he's in prison. I did not want him thinking he would never get the chance to meet her and be depressed in there he describes the place as a cemetery for people who are alive that are taken away from the world. And honestly that couldn't explain prison better. My Daughter just turned one years old this week, how bad it was to not have my father around for that super sad and depressing especially around the holidays. He has yet to meet her. Life in prison? Will she ever get the chance to meet her grandpa? Will she ever get the chance to know how good he can love, how strong hearted he is? Or even how good of a person he really is? It's been so long without him we miss him so much. I honestly don't know what I'm thinking expressing myself in this letter to the courts as if it will change something, but I can only hope for the best. What I do know is my father is no monster. Everyone thought he would be out before we know it like any other but its going on four years now. The situation breaks me. He has three kids of his own out here in the outside world that could really use him. 19, 18, and 8 years old. And you may thing we are grown but we need daddy, I speak for us all as his oldest I still need him. I hate that my baby brother has been growing up without him. Are father was his superhero and one day we saw him last not knowing it would be the last we saw him, one day he just went away. We just wish he'd come home, meet his grandbaby and have a fresh start. Start his life over with the time he has left. One more chance is all he needs. He is no monster he is human with a family that loves and cares for him and needs him. It's been too long, and we can't forget about grandma his momma just turned seventy-six years old and is clueless about it ALL. The truth will kill her, and no one feels like they can tell her anything. She is sick and getting old all she hopes is that she'll be able to see her son again before her time comes 😞 Just a little message from my mind.

Sincerely,

Esmeralda Torres

**EXHIBIT "C"**

Sara Rivera Ortiz  
919 Lafayette St  
Lancaster, PA 17603  
717-984-1316  
12/27/2021

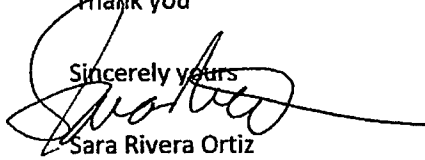
To,  
The Honorable Judge Geraci  
100 State Street 2<sup>nd</sup> Floor, Rochester NY 14614  
Judge Geraci

Honorable Jude Geraci

I am Xavier Torres's sister. I am writing this letter given the guilty verdict to my dear brother Xavier Torres. I have known Xavier Torres my whole life, we grew up together and we were raised by our mother Maria Ortiz Soto. Just wanted you to know that u brother is a very humble person and yes, he has made some mistakes in his life, and he had paid his due to society. He is a very kind person, and he loves his family and friends. He raised 3 kids like they were his own, until this day they call him dad and they miss him so much. They keep in touch with him when ever is possible and my brother never treated them differently from his own kids and his son that he has with Ziomara. My brother anted to move to PA with me to start a fresh and new life with his family at the time he was arrested. He loves his family, his mom, his aunts, his nieces and nephew and his friends. He never did any harm to anyone and if he needed to take his clothes off his back to give to who ever needs it he will. It will devastate us to know that he won't be given a second chance to restore his family and his life. We grew up in a Christian family and we are true believers of God. My brother has dedicated his life to God while he's been incarcerated. We speak often when is possible to know that he has been given a certificate because he has been giving an example to other inmates by helping them and teaching them the word of God. He has been teaching bible studies. We are just asking a fair sentencing so he can be given a second chance and he can give his testimony and help others that needs strength, peace and guidance. We all are humans, and we all make mistakes, and we all deserve a second chance. I ask if he can please be transferred to PA close to where I live, Lancaster PA so we can have the opportunity to spend time with him and our mom can visit him and my kids. In general, he is a very humble person. I sincerely vouch for my brother's good character, his good heart and to consider transferring him to PA when he gets sentenced.

Thank you

Sincerely yours

  
Sara Rivera Ortiz  
(Sister)

**EXHIBIT "D"**